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T H E
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O F T H E

Right Honourable PHILIP Lord HARDWICKE,
Lord High Chancellor of Great-Britain, made by him
as Lord High Steward of Great-Britain, on Thurs-
day the 19th Day of March 1746-7. upon giving
Judgment against SIMON Lord LOVAT, in
Westminster-Hall, on the Impeachment of High-
Treason exhibited against him by the House of Com-
mons.

K. Yorke (P) 14 July Hardwicke

Simon Lord Lovat,

YOU have been impeached by the Com-
mons of Great-Britain, in Parliament
assembled, of High-Treason, charged
upon you by particular Articles, con-
taining different Species and various
ouvert Acts of that Treason:

To these Articles your Lordship thought fit to
put in an Answer, amounting to a general Plea of
not guilty to the Whole; and, after a long and im-
partial Trial, upon the clearest and most convincing
Evidence, against which you offered no Defence by
Witnesses, your Peers have unanimously found you
guilty.

What remains, is the disagreeable, but unavoida-
ble Part of proceeding to that Judgment, which is
the necessary Consequence of such atrocious Crimes:
Happy had it been for your Lordship; if, be-
fore you engaged in them, you had suffered the
Terrors of that Consequence to have their due
Weight; when the sacred Ties of your Allegiance;
and your Oaths, were not strong enough to restrain
you.

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In this Proceeding, the Zeal and dutiful Affection of the Commons, to his Majesty and their Country, and the Justice of the House of Peers, have shone forth in their full Lustre. The Commons found your Lordship to be one of the principal Conspirators, who contrived and carried on the late detestable Rebellion, to destroy our Religion and Liberties, and to subvert that legal Settlement of the Crown in his Majesty and his royal Family, under which alone we can live free and happy.

They rightly judged that this, which is the common Cause of all the People of *Great-Britain*, ought to be prosecuted by the united Voice of the People: That it became them to investigate and lay open in full Parliament the Source of those Calamities which we have lately suffered, and the deep-laid and long-meditated Conspiracy, in which your Lordship had so considerable and so flagitious a Part. They rightly judged, that no Judicature was equal to such an important Proceeding, but this High-Court, on whose Penetration and Justice they relied, and before whom, in this great Assembly, publick and indubitable Satisfaction might be given.

Before your Conviction, I have spoken to your Lordship upon a Presumption of your Innocence; but now I am bound, by the unanimous Decision of my Lords your Peers, to take the Evidence against you to be true, and to address myself to you as a guilty Person.

Your Lordship has, in your Answer, endeavoured to avail yourself of former Services to his late Majesty and the Protestant Succession, which you have this Day enlarged upon at the Bar. How unfortunate have you been in referring back to such cancelled Merit, since thereby you have furnished an Opportunity to the Commons, to shew for how long a Tract of Time you have conceived and nursed up this Treason in your Heart! Whatever your Pretences were, so infected was your Mind,
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and so foreward your Zeal, in the Cause of that Pretender whom you had then abjured, as to engage in that rash and weak Attempt from *Spain* in his late Majesty's Reign. Yet, at or very near that Time, it appears, by the Evidence, (out of which every Observation I will make shall naturally arise) you were soliciting or accepting Favours and Trusts from that very Government which you had thus engaged to destroy. What Use did you make of those Trusts? The Instance of *Roy Stuart*, now an attainted Rebel, speaks it too plainly. Whilst you were Sheriff of the Shire of *Inverness*, the largest County in *Scotland*, and one of the greatest Consequence, you suffered that Criminal, in the Year 1736. to escape out of your publick Prison; harboured him afterwards in your own House; then charged him with Messages, and Assurances of Fidelity to the Pretender; and to procure for you a Commission of Lieutenant-General, and a mock Title of Honour from that pretended Prince.

If any Thing could surpass this Treachery, it is the Association which your Lordship signed and sealed together with six other Persons, and sent to *Rome* and *Paris*, by *Drummond* of *Bochaldie*, in the Beginning of 1740. The Substance of this was, to assure the Pretender, whom you always called your lawful King, of your Readiness to appear openly in Arms for his Service; and to solicit an Invasion from *France* against your native Country, to support this desperate Design.

It should seem, by the Evidence, that the foreign Enemies of *Britain* were less foreward in this Measure to disturb her, than her degenerate unnatural Sons. Whether that Reluctance proceeded from a Distrust of so false a Set of Men, or from a Conviction that the Body of this great People was not to be shaken in their Loyalty to a King who possesses the Throne by the most rightful Title, and governs them in Justice and Mercy, according to their Laws and Constitution;

Constitution ; in either Case they were in the Right. What Dependence could the Court of *France* have on a few abandoned Traitors ? What Hopes could they entertain, that a general Infatuation would, on the sudden, seize and delude a brave, a free, and a happy People, to seek their own Slavery and Ruin ?

From this Time, till the Year 1743. the Conspiracy lingered in its Progress, tho' great Efforts appear to have been made to render it more extensive and more formidable. Then it happened, as it always has happened, that, when *France* saw such an Enterprize, whether successful or not, might be made a convenient Engine of her own Politicks, that Court set about an Invasion in earnest. Great Preparations were made, and ready at *Dunkirk* ; but the Providence of God disappointed them. To be capable of proving Transactions of this Kind, by strict Evidence in the Forms of Law, is not common, nor, in the Nature of the Thing, ordinarily to be expected. But this the Vigilance of the Commons has effectually done, to the Conviction of all well-intentioned Persons, and to the Shame and Confusion of those, who, though they believed, and perhaps knew it themselves, were industrious to propagate a pernicious Incredulity in others.

Thus the Commons have traced and brought down the Series of the Conspiracy to the remarkable Æra of *July* 1745. when the eldest Son of the Pretender landed in *Moidart*, unsupported by any foreign Troops, unattended, and almost alone.

The appearing Rashness of this Attempt gave Rise to some Apprehensions, some Misgivings in the Breasts of your Lordship and your Fellow-Conspirators, proceeding from a Concern, not for the King, or for your Country, but for your own private Interest and Safety. A *French* Invasion had been long solicited ; a *French* Force was depended on, to secure you against the just Vengeance of your native Country ; and the Failure of that damp-

ed your Hopes, and produced your Expressions of Disappointment. However, such was your Zeal, that, in this rash Enterprize, your Lordship joined; not indeed personally (this you often excused, complaining of your Infirmities) but by sending, or rather forcing out your Clan, and committing every other Species of the blackest Treason, which the Articles of Impeachment have charged upon you.

Permit me to stop here a little, and lament the Condition of Part of this united Kingdom, happily united in Interests both civil and religious; happily united under the same gracious Monarch, and the same publick Policy: And yet the common People, in some of the remote northern Counties, are still kept in such a State of Bondage to certain of their Fellow-Subjects, who, contrary to all Law, and every true Principle of Government, have erected themselves into petty Tyrants over them, as to be liable to be compelled into Rebellion against their lawful Sovereign, under the Peril of Fire and Sword. Astonishing it is, that such a dangerous Error in Government, such a Remain of Barbarism, should have subsisted so long in any Quarter of this civilized well-governed Island: But since such is the Misfortune, let it be accounted one good Fruit of this Inquiry, that it has appeared in this solemn Manner. The Knowledge of the Disease shews the Way to the Cure; and it calls aloud for a Remedy.

This usurped Power was audaciously made use of over your Clan. 'Tis true, your Lordship's Activity in exerting it, rose and fell in proportion to the Appearance of the good or bad Success of the Pretender's Cause: But, after the Advantage gained by the Rebels, at *Preston-Pans*, which you vainly called 'a Victory not to be paralleled in History,' you thought it Time to throw off the Mask, and with less Caution to espouse a Party, which you then hoped might be espoused with Impunity.

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I forbear to enumerate the many ouvert Acts of your Treason. It would be tedious to this Assembly, who have heard them so much better from the Witnesses, and from the Recapitulation of the Managers. It would be grievous to your Lordship, if your Heart is, by this Time, touched with any Remorse for your Guilt. But one Thing I cannot help observing upon,—the Excuse you expressly made for this traiterous Conduct, even after you were taken Prisoner ; to which you have this Day artfully endeavoured to give a different Turn. Being asked, How you could act such a Part against a Government from which you had received many Favours ? Your Lordship's Answer was, ' That ' it was in Revenge to the Ministry for their ' ill Usage of you, in taking away your Commission of Captain of an independent Company ' of *Highlanders*.' An Excuse almost as false as it was profligate ! False, because some of your treasonable Practices were committed whilst you were possessed of that very Commission. Profligate it was in the highest Degree. Is Allegiance no Duty ? Are Oaths to his Majesty and his Government no Obligation upon the Conscience ? Is Loyalty to our lawful Sovereign, and the Love of our Country, to depend on the Enjoyment of extraordinary Favours and Emoluments, which no Man has a Right to ; can, in the Nature of Things, be enjoyed but by a few ; and are in the Pleasure of all Governments to confer or deny ? A Person actuated by, and avowing such Principles as these, must be lost to all Sense of Virtue, and of Shame, and of every natural, as well as civil Sanction of Society.

Sorry, very sorry I am, to see this last Reflection so strongly verified by the Proofs against your Lordship. It has appeared that you used your paternal Influence over your eldest Son, a Youth not above the Age of Nineteen, to compel him to go into the Rebellion ; and afterwards unnaturally endeavoured

to cast the Crime and Reproach of it upon him. If this be true, it is an Impiety which makes one tremble. It is the celebrated Saying of a wise Writer of Antiquity, and shews his perfect Knowledge of human Nature, 'That the Love of our Country 'includes all other social Affections:' For we see, when that is gone, even the tenderest of all Affections, the parental, may be extinguished with it.

I have said these Things, not with a View to aggravate your Lordship's Crimes, but, as becomes this Place, and this Occasion, to rouse your Mind, which, there is Reason to fear, may have been too much hardened, to a just and deep Sense of your unhappy and dreadful Situation.

Were I to attempt this from Topicks of Religion, I should be at a Loss, whether to apply to you as a Protestant or a Papist. Your open Profession, your solemn Oaths, and publick Actions, speak on one Side: But, if I am to believe the Evidence, your private Discourse and Declarations testify on the other. I will apply no Suppositions on this Head particularly to your Lordship; but from hence I would draw an instructive Lesson, which well deserves the serious Attention of this whole Nation, of what important Consequence it is, to preserve, not only the Name and outward Form of the Protestant Religion amongst us, but the real uniform Belief and Practice of it. Indifference to all Religion prepares Men for the external Profession of any; And what may not that lead to? Give me Leave to affirm, before this great Assembly, that, even abstracted from religious Considerations, the Protestant Religion ought to be held in the highest Reverence, as the surest Barrier of our civil Constitution. Ecclesiastical Usurpation seldom fails to end in civil Tyranny. The present happy Settlement of the Crown is, in Truth, and not in Name only, **THE PROTESTANT SUCCESSION.** And the inviolable Preservation of that wise and fundamental Law, made since the Revolution,

tion, whereby every Papist, or Person marrying a Papist, is absolutely excluded from inheriting to this Crown, will, in future Times, be a solid Security for our Posterity, not only against the groundless and presumptuous Claim of an abjured Pretender and his Descendants, but also to prevent this Kingdom from becoming a Province to some of the great Popish Powers, who have so long watched for the Destruction of our Liberties.

But, to return to your Lordship: Suffer me to exhort you, with great Earnestness, and in great Charity, to deliberate seriously upon your own Case, and to deal impartially with your own Conscience. If, according to the Evidence given at this Bar, you have led a Life of Craft, Dissimulation and Perfidy, consider how that Scene has closed; what Desolation you have thereby endeavoured to bring upon your Country; how fatally it has ended for yourself. Consider that the Sentence, which I am obliged to pronounce, may soon send you to a Tribunal, where no Disguise or Artifice can avail you.

The Sentence of the Law is, and this High-Court doth adjudge,

‘ That you, *Simon Lord Lovat*, return to the
 ‘ Prison of the *Tower*, from whence you
 ‘ came; from thence you must be drawn to
 ‘ the Place of Execution; when you come
 ‘ there, you must be hanged by the Neck,
 ‘ but not till you are dead; for you must be
 ‘ cut down alive; then your Bowels must
 ‘ be taken out, and burnt before your Face;
 ‘ then your Head must be severed from your
 ‘ Body, and your Body divided into four
 ‘ Quarters; and these must be at the King’s
 ‘ Disposal.’

And God Almighty be merciful to your Soul!

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